

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	1:06cr139-WHA
)	
ERIK TIANTE JOHNSON)	

**MOTION TO DISMISS INDICTMENT UPON SUGGESTION OF DEATH and
TRANSMITTAL OF PUBLISHED OBITUARY**

COMES NOW William R. Blanchard, counsel for the Defendant in the above-styled cause, and suggests that Erik Tiante Johnson has died during the pendency of this case. A copy of the obituary which appeared in the Dothan Eagle (online) is attached hereto as Exhibit A.

Pursuant to long-standing precedent, counsel prays that the Court will dismiss the indictment now pending against the late Mr. Johnson. *United States v. Romano*, 755 f2 1401 (11th Cir. 1985); *United States v. Hamm*, 638 F.2d 823 (5th Cir. 1981).

RESPECTFULLY SUBMITTED this 16th day of August 2006.

s/ William R. Blanchard
WILLIAM R. BLANCHARD
Attorney for Erik Tiante Johnson

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: AUSA Leura Garrett Canary, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: n/a.

Respectfully submitted,

s/ William R. Blanchard
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